

REMARKS

By this Amendment, claims 1, 4 and 9 are amended to merely clarify the recited subject matter by indicating that regulation is carried out to those parameters which the mobile station utilizes for discriminating speech and background noise (supported by original page 6, lines 34-35). These claim amendments were not presented earlier because they are made to clarify language identified in need of such clarification by the outstanding Office Action. No new matter is added. Claims 1-10 are pending.

The Office Action rejected claims 1-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; specifically, the Office Action asserted that the originally filed specification fails to provide adequate support for the feature “at least configuration parameters that are neither noise nor silence parameters.” Applicant submits that all pending claims are now in full conformance with 35 U.S.C. 112. Therefore, the rejection is traversed.

The Office Action rejected claims 1, 2, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Suvanén et al. (WO 96/42142; hereafter “Suvanén”) in view of a newly cited reference, Jarvinen et al. (U.S. Patent No. 5,960,389; hereafter “Jarvinen”), and claims 3-8 under 35 U.S.C. § 103(a) as being unpatentable over Suvanén in view of Jarvinen and Kokko et al. (U.S. Patent No. 5,790,534; hereafter “Kokko”).

Applicant traverses the prior art rejections because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims. For example, the cited prior art references fail to disclose, teach or suggest a method of controlling the load in a mobile communication system comprising “transmitting a control signal via a radio path to said at least one mobile station in order to regulate those parameters which the mobile station utilizes for discriminating speech and background noise ; and regulating, by regulation means of said at least one mobile station as a response to said control signal, those parameters which the mobile station uses for discriminating speech and background noise in such a manner that the at least one mobile station transmits telecommunication signals to the system more seldom or more often,” as recited in independent claim 1 and its dependent claims.

Similarly, the cited prior art references fail to disclose, teach or suggest a mobile communication system comprising “control means responsive to the monitoring means for transmitting, via a radio path, a control signal to certain mobile stations or mobile stations in a certain area in order to regulate those parameters which the mobile stations utilize for

discriminating speech and background noise, when the monitoring means indicates that traffic load in some part of the system exceeds a predetermined limit; and mobile stations in radio connection to the base stations, said mobile stations comprising means for utilizing discontinuous transmission, and regulation means for regulating those parameters which the mobile stations utilize for discriminating speech and background noise in response to receiving the control signal, in such a manner that said mobile stations transmit telecommunication signals to the system more seldom or more often,” as recited in independent claim 4 and its dependent claims.

Further, the cited prior art fails to disclose, teach or suggest the recited mobile station comprising “regulation means, responsive to the detection means, for changing said parameters which indicate how speech and background noise should be discriminated and which are utilized in speech detection, in such a manner that the signal processing means interprets the voice signals received through the user interface as background noise more seldom or more often,” as recited in independent claim 9.

Suvanen merely discloses a simple on-off type voice activity detection (in use / not in use) in relation to discontinuous transmission. However, Suvanen fails to disclose, teach or suggest the claimed solution wherein a mobile station is commanded, via a radio path, to regulate the parameters which it uses for discriminating speech and background noise. Rather, in Suvanen, a simple on-off approach is utilized regarding whether speech or comfort noise is transmitted. Thus, Suvanen teaches away from such a solution by suggesting that a simple on-off type commanding to discontinuous transmission is sufficient.

Jarvinen fails to remedy that deficiency of Suvanen because Jarvinen merely provides a solution for enhancing an experience of a receiver by improving/enhancing the utilized comfort noise generation algorithms. However, that enhancement is provided in the receiver terminal when discontinuous transmission is used. Thus, Jarvinen fails to disclose, teach or suggest adjusting an amount of load in the network by commanding, via a radio path, a mobile station to regulate the parameters which it uses for discriminating speech and background noise. Therefore, the combined teachings of Suvanen and Jarvinen fail to provide all the features of the rejected claims.

Kokko similarly fails to remedy that deficiency of the combined teachings of Suvanen and Jarvinen because Kokko merely teaches on the subject of quality of service support in a cellular control system. In Kokko, the load control is “on-off type,” controlling the load so that packets are either allowed or not allowed to be sent depending on whether a

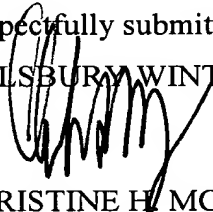
discontinuous transmission mode is in use. However, Kokko also fails to disclose, teach or suggest commanding a mobile station via a radio path to regulate the parameters which it uses for discriminating speech and background noise.

Therefore, the combined teachings of Suvanén, Jarvinen and Kokko, analyzed individually or in combination, fail to disclose, teach or suggest a solution in which a mobile station is commanded, via a radio path, to regulate the parameters which it uses for discriminating speech and background noise. Therefore, claims 1-10 are allowable.

All issues having been traversed, Applicant submits that the application is in condition for immediate allowance and requests that a Notice be issued to that effect. If anything remains necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,  
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